

# Notice of Allowability

Application No.

09/908,966

Examiner

Dmitry Suhol

Applicant(s)

MCCORMICK ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview conducted on 11/22/2004.
2. ☒ The allowed claim(s) is/are 21-32.
3. ☒ The drawings filed on 11 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/23/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



DERRIS H. BANKS  
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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elias C. Behrakis on November 22, 2004.

The application has been amended as follows:

Claims 13-20 have been canceled.

Claim 21, line 12, after "...with a teacher of the course" delete ",", and insert - - ; initiating a discussion session, - -.

Claim 21, line 13, delete "thereafter" and after "...at least some messages..." insert - - during the discussion session - -.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitations of "...initiating a discussion session, wherein the first and second client systems exchange at least some messages during the discussion session pertaining to the course independently of the server system" are not disclosed or made obvious over the prior art of record in the examiners opinion. For example, Chao discloses a method for facilitating private instruction over a network which teaches receiving profile

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information associated with a student from a first client system (student client computer 554 and cols. 4-5, lines 61+and 1-5, respectively), registering, by a server system, a student in a course based in part on information received (read onto the storing/registering information in medium 108 of the server 550 as described in col. 4, lines 5-10) and arranging profile information associated with a registered student in a queue having different profile information (categorization of information presented as described in col. 4, lines 61+). A first and second client systems exchanging information independently of the server system is taught in col. 6, lines 13-15. Lippman discloses a computerized test system which teaches that is known to provide tests (including placement tests) to a client system through a server (see abstract) in a network environment, while Boe discloses a computerized system which matches potential clients with businesses through the uses of profile information gathered in a network environment which teaches that it is known remove the profile information in response to the selection of the information by a client system (col. 8, lines 6-9). However, prior art of record does not teach or disclose initiating a discussion session, wherein the first and second client systems exchange at least some messages during the discussion session pertaining to the course independently of the server system and since a server session manager is needed in the system of Chao to manage/keep track of billing all correspondence regarding the course is done through the session server after the initial terms are arranged, thus Chao effectively teaches away from the concept of communicating independently of the server system during a discussion session.

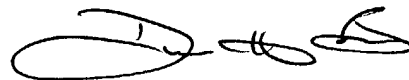
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-273-4430. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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